

## CITY COMMISSION MINUTES

January 5, 2010

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, January 5, 2010 with Mayor Terry Heldstab presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: Interim City Manager Mike Guinn, City Attorney Catherine Logan, and City Clerk Tyler Ficken.

### GENERAL DISCUSSION

Scott Johnson stated that he would like to see more citizens use the time provided by the commission for citizens to speak. Commissioner Johnson stated that requirements for state NRP projects are not met by the City of Junction City; this is not a third world country community (as is described in state NRP requirements). The community should not continue to bend backwards to help Olivia Farms development. The specials are too high. People who own the land need to pay the taxes. Scott Johnson stated again that community members need to use the Commission meetings to express opinions.

### CONSENT AGENDA

- a. Approval of the **December 15, 2009**, City Commission meeting minutes; approval of the **December 18, 2009** Special City Commission meeting minutes, approval of the **December 30, 2009** Special City Commission meeting minutes.
- b. Item 3b was requested to be moved to New Business during the Special City Commission Meeting on 12-31-2009 1pm. **Item is now 10f.**
- c. The consideration and approval of **Payroll** #25, #26 and #27 for the month of December 2009.

### SEPARATE DISCUSSION

- d. The consideration and approval of **Ordinance S-3073** Transportation Revolving Loan Fund 0121 in the amount of \$447,892.00 for improvements to Ehler's Hilltop. (Final Reading) Commissioner Johnson stated that the roads had problems and they collapsed; this project is being paid for twice by the taxpayer and too often things like this are happening. Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance S-3073. Ayes: Heldstab, Rhodes, Talley. Nays: Johnson, Taylor. Motion carried.

### SPECIAL PRESENTATIONS

Recognition of the City for fifty years of membership and participation in the National League of Cities. Interim City Manager Guinn presented a Letter and award to the City Commission from the National League of Cities.

### **UNFINISHED BUSINESS**

The consideration and approval of R-2582 to amend R-2406 that determined the advisability of issuing the City's Taxable Multifamily Revenue Bonds to pay for the costs of acquiring, constructing, furnishing, and making improvements to a residential rental duplex facility located in the City. City Attorney Logan Presenting. City Attorney Logan stated that the City's bound council recommended termination of the resolution. City Attorney Logan stated that an extension would not be appropriate given the fact that property taxes have not been paid on the property. City Attorney Logan recommended that an extension not be provided. Commissioner Taylor moved, seconded by Commissioner Johnson to approve R-2582 to amend R-2406 that determined the advisability of issuing the City's Taxable Multifamily Revenue Bonds to pay for the costs of acquiring, constructing, furnishing, and making improvements to a residential rental duplex facility located in the City. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

The consideration and approval of award of contract to Pearson Excavating for the demolition of 701 Chicago in the amount of \$750.00. Interim City Manager Guinn Presenting. Mark Karmann provided pictures of the building and stated that the building is not safe; improvements have not been sufficient to bring building up to code. Mark Karman also stated that it is likely that no more than \$500 was spent to make improvements. Mark Karmann stated that City staff had fixed the fence at the property numerous times. Commissioner Johnson asked if the owner would need to place more fencing if the building is removed. Mark Karmann stated that the area would need to be enclosed. Mayor Heldstab asked who would be responsible for enclosing the area. Mark Karmann responded that the property owner would be responsible. Commissioner Taylor moved, seconded by Commissioner Johnson to approve award of contract to Pearson Excavating for the demolition of 701 Chicago in the amount of \$750.00. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

### **NEW BUSINESS**

The consideration and approval of applications for 3 fire department grant opportunities (one of the 3 grants requires a \$2,500.00 match). Chief Steinfort Presenting. Commissioner Rhodes asked where the matching funds would come from. Chief Steinfort replied that the funds would come from the ambulance budget. Commissioner Taylor asked how soon we would know if the funds are granted. Chief Steinfort stated that the KRAF grant has two rounds; the other two grants would be in approximately 6 months. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve submission of applications applications for 3 fire department grant opportunities. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

The consideration and approval of Vacation of Platted Utility Easement between 1320 Meadowbrooke Lane and 1326 Meadowbrooke Lane (MPC unanimously approved). David Yearout Presenting. David Yearout stated that utility companies were contacted in order to see if easement would be needed in the future; information was received that it would not be needed. Commissioner Taylor asked if there are homes on the two lots. David Yearout stated that yes there are homes currently on the lots; a call was received and one of the home owners would like to put up a fence. Commissioner Taylor moved, seconded by Commissioner Johnson to approve Vacation of Platted Utility Easement between 1320 Meadowbrooke Lane and 1326 Meadowbrooke Lane. Ayes: Heldstab, Johnson Talley, Taylor. Nays: None. Abstention: Rhodes. Motion carried.

The consideration and approval of Rezoning of 739 West 7<sup>th</sup> Street ("CSP" to "CS") Recommendation of Denial; S-3076 is attached. (MPC unanimously denied application) David Yearout Presenting. Commissioner Taylor asked David Yearout for some background information on this particular zoning change. David Yearout stated that the area is zoned commercial but there are residential properties in the area. David Yearout stated that if there were to be a zoning change it would be toward residential and not CS. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve Ordinance S-3076 to deny rezoning of 739 West 7<sup>th</sup> Street from CSP to CS on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

The consideration and approval to accept bid from contractor for the drilling of Well #18. (Information on this item is subject to change for information pending from Burns & McDonnell.) Interim City Manager Guinn Presenting. Interim City Manager Guinn stated that the City received 2 bids for the drilling of Well #18; both bids were sent to Reinaldo Gonzales of Burns & McDonnell for review. It was the opinion of Mr. Gonzales that the low bid by Clarke Well & Equipment Inc. in the amount of \$312,100.00 be accepted. Commissioner Rhodes moved, seconded by Commissioner Johnson to approve bid from Clarke Well & Equipment Inc. for the drilling of Well #18. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

The consideration and approval of renewal of Public Defender contract. Administrative Services Director Gowen Presenting. Administrative Services Director Gowen stated that Keen Umbehr proposed a 1 year contract but the City proposed a 3 year contract. Keen Umbehr accepted the 3 year contract. Administrative Services Director Gowen stated that the length of the contract is the only change from last year. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve renewal of Public Defender contract. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

The consideration and approval of renewal of City owned farm lease with Caleb Strauss. Chief Steinfort stated that the property consists of 140 acres and the cash rental price is \$80.00 per acre. Commissioner Johnson stated that it costs the City over \$100,000.00 per year to keep the property; no one was going to purchase

this land at this price other than the City. Commissioner Rhodes asked if the rental price is comparable to other farm land rental prices. Chief Steinfort stated that the contract is a renewal and he will not receive a commission. Commissioner Taylor stated that he would like to see the property be bid openly for rental. Commissioner Johnson stated that since a portion of the property cannot be built on, that portion should be sold. Commissioner Taylor asked Interim City Manager Guinn if he had spoken lately with the Roberts office. Interim City Manager Guinn stated that the Roberts office said the project is high on their list. EDC Director Black stated that the property will be used for Edenspace in the future. Mayor Heldstab stated that this property was purchased for the future in anticipation of projects comparable to those in Hopkinsville, KY. Commissioner Taylor asked EDC Director Black how the Edenspace project is coming along. EDC Director Black stated that the project had a change in building plans and has had difficulties securing a loan as a result of the current economy. Commissioner Taylor moved, seconded by Commissioner Johnson to approve renewal of City owned farm lease with Caleb Strauss. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

#### **COMMISSIONER COMMENTS**

Commissioner Rhodes stated that he would like to thank those who participated in delivering Christmas meals; people appreciated it very much.

Mayor Heldstab also extended his appreciation to those who delivered meals and thanked the Nazarene Church; they worked on the program and provided 169 meals for the event.

#### **STAFF COMMENTS**

Interim City Manager Guinn stated that there was a sewer backup in the basement of the Municipal Building during the 3 day weekend. The carpet is being replaced and work is being done to dry the area. The statue for the Washington roundabout is being poured and should be ready in late January or early February. A new City Engineer was hired and started on Monday but has now left the position. A new City Manager will work to hire a new City Engineer. Ed Lazear did a great job organizing the Christmas meal event & was a success even given the snow event that day.

City Attorney Logan stated that bond counsel was consulted on the distribution of special assessments at Olivia Farms, as well as herself, the City Engineer, and the developer. The work on the distribution of specials at Olivia Farms was open to the public. Commissioner Johnson stated that the distributions of the specials are strange. Commissioner Taylor stated that the City acted in good faith, and that learning about how the specials were handled makes him upset; he would like to rescind their latest permits. Interim City Manager Guinn stated that the taxes have been paid on the land for which they recently received permits. Commissioner Taylor asked the staff to research whether the City ordinance

regarding taxes and permits calls for taxes on permitted properties to be paid or on all properties. Mayor Heldstab would like a report on this at the next meeting.

#### **EXECUTIVE SESSION**

Meeting for personnel matters related to public officials. Session to include the City Commission. Commissioner Rhodes moved, seconded by Commissioner Talley to adjourn into executive session at 8:16 PM not to exceed 15 minutes. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. Commissioner Rhodes moved, seconded by Commissioner Talley to reconvene into regular session at 8:31 PM having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

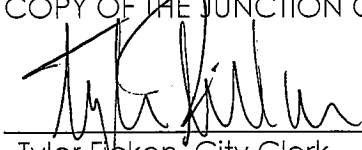
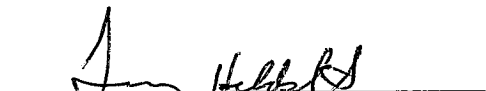
For the purpose of attorney client privilege, not to exceed 5 minutes. Session will include City Commission, Interim City Manager, and City Attorney. Commissioner Talley moved, seconded by Commissioner Johnson to adjourn into executive session at 8:33 PM not to exceed 5 minutes. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. Commissioner Rhodes excluded himself from the discussion. Commissioner Rhodes moved, seconded by Commissioner Johnson to reconvene into regular session at 8:38 PM having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

Commissioner Talley moved, seconded by Commissioner Taylor to approve settlement with Cox Communications for damages at Ehlers Hilltop for the amount of \$25,000. Ayes: Heldstab, Johnson, Talley, Taylor. Nays: None. Abstention: Rhodes. Motion carried.

#### **ADJOURNMENT**

Commissioner Rhodes moved, seconded by Commissioner Talley to adjourn at 8:43 PM Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 19th DAY OF JANUARY 2010 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR January 5, 2010.

  
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Tyler Ficken, City Clerk  
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Terry Heldstab, Mayor